

reference pursuant to 35 USC 103(c) as it is "Subject matter developed by another person where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. At the time of filing of the present application, the inventor was an employee of Western Atlas International, a wholly owned subsidiary of Baker Hughes, Inc. At the time of the invention, the present application and cited reference, Ambs 6,002,648 were both subject to an obligation of assignment to the same entity, that is, Baker Hughes, Inc. An assignment of the application was recorded at REEL/FRAME 011364/0023 on 12/04/2000. A copy of the notice of recordation was included in the office action.

In response to the reply filed on 14 March 2003, the Examiner stated that the response failed to place the application in condition for allowance because "Applicant is required to show that inventions were commonly owned at the time of applicant's invention. If applicant does provide the adequate support, then the claims would be subject to an Obviousness Type Double Patenting Rejection."

A declaration of co-ownership is attached to prove co-ownership of the present application and US patent 6,002,648 at the time the present invention was made.


In support of proof that the inventions were commonly owned at the time of applicant's invention, that is, the current application filed on November 1, 2000 and US patent 6,002,648 (Serial Number 09/174,133 filed on 16 October 1998) were co-owned at the time of filing, note that on the General Indenture of conveyance, Assignment and Assumption of Liabilities that the Assignor is Western Atlas International, Inc. and that Baker Hughes Incorporated "has agreed to cause Assignor or one or more Baker Hughes

Transferring Entities to transfer . . . all of the assets of Assignor" indicating that Baker Hughes had owner ship and right to transfer the assets identified in article 5.18 of the Master Formation Agreement, which lists said patents (the inventions in question) as owned by Baker Hughes. I have also attached a copy of the Joint Venture agreement showing that Baker Hughes Inc. owned said applications prior to the formation of the Joint Venture was formed effective November 30, 2000 and named Geco Holdings LLC, later named Western Geco LLC.

Thus it is believed that claims 1-20 are patentably distinct over the references cited by the Examiner.

Respectfully submitted,

May 21, 2003
Date



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